

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 18, 21, 23-32, 50 and 52-53 are pending in the application. The non-elected claims have been cancelled. Claim 49 has been cancelled to avoid the Examiner's objection. Independent claims 18, 29 and 52 have been amended to better define the claimed invention over the applied references. Claim 22 has been cancelled in view of the changes made to independent claim 18. Claims 23, 30 and 32 have been amended to be consistent with the amended language of claims 18 and 29. The amended claims find solid support in the original specification and drawings, e.g., FIGs. 1 and 3.

No new matter has been introduced through the foregoing amendments.

The Examiner's approval of the previously submitted FIG. 4 is noted with appreciation. Generally, the formal drawings are not required before issuance of a Notice of Allowance. *See* 37 CFR 1.85(c). Accordingly, the formal drawings will be submitted upon allowance of the instant application.

The Examiner's objection to claim 49 is moot as claim 49 has been cancelled.

The Examiner's 35 U.S.C. 102(b) rejection of claims 18 and 21-32 as being anticipated by *Hubbel* is believed overcome in view of the above amendments. In particular, independent claims 18 and 29 have been amended to additionally recite that said sleeve further comprises **three** internal **equidistant** projections for frictional connecting of said sleeve and said support member. Although *Hubbel* does disclose internal projections, the reference fails to disclose or teach that the internal projections are equidistant. The *Hubbel* reference is not modifiable to include the claimed feature, because the internal projecting portions of *Hubbel* must be adapted to provide resilient contact with a T-shaped fence post, and therefore, cannot be modified to be equidistant from each other. *See*, for example, FIGs. 3-4 of *Hubbel*.

Independent claims 18 and 29, as well as claims 21, 23-28, 30-32 and 50 depending therefrom, are therefore patentable over the *Hubbel* reference.

The Examiner's 35 U.S.C. 102(e) rejection of claim 52-53 as being anticipated by *Roy* is believed overcome in view of the above amendments. In particular, independent claim 52 has been amended to additionally recite that said sleeve comprises **three** internal projections for frictionally and forcibly receiving the post, each projection being **equidistant** from the other two projections. Applicant respectfully submits that the claimed invention is both novel and non-obvious over that disclosed in *Roy*.

A review of the *Roy* disclosure reveals reference to a series of internal projections which abut against the features of an internally positioned T-post. See, for example, the Abstract of *Roy*. As can be seen from figures 2 and 8 –14 of the *Roy* patent, it is clearly disclosed in the reference that the *Roy* internal projections are not equidistant. The internal projections disclosed in the *Roy* reference are configured specifically to engage with a T-post and other predetermined post shapes such as those disclosed in column 3, lines 30-35 which make reference to Ells, Ts, crosses or Y-shaped splinters. Accordingly the Applicant respectfully submits that the claimed invention is novel over the teachings of *Roy*. Further, the advantages of the equidistant projections of the claimed invention allow the sleeve to be slid over the support member and be arranged in any preferred direction without requiring that the position of the sleeve be dictated by the shape, and therefore, the direction of the T, Ell or Cross shaped post.

Thus, although *Roy* does disclose internal projections, the reference fails to disclose or teach that the internal projections are equidistant. The *Roy* reference is not modifiable to include the claimed feature, because the internal projecting portions of *Roy* must be adapted to provide contact with a T, Ell or Cross shaped fence post, and therefore, cannot be modified to be equidistant from each other.

Independent claim 52 is therefore patentable over the *Roy* reference. Claim 53 is patentable over *Roy* for the same reason.

The 35 U.S.C. 103(a) rejection of claim 24 as being obvious over *Hubbel* is believed overcome in view of the amendments made and arguments advanced with respect to independent claim 18.

The applicant respectfully submits that the newly amended claim set now clearly defines over both *Hubbel* and *Roy*. A fence support which includes a sleeve with internal facing equidistant projections for frictional engagement to a support member is not disclosed or suggested by any of the applied documents.

Each of the Examiner's rejections has been overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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